IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 6130 of 2007(D)

PETITIONER:

SURESH BABU,
DEVAMATHA, DEVAMATHA HOUSE, NEDUMGOLAM,
PARAVOOR, KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR
SRI.C.ARUN

RESPONDENTS:

1. **THE SUPERINTENDENT OF POLICE,**
   KOLLAM.

2. **THE SUB INSPECTOR OF POLICE,**
   PARIPPALLY POLICE STATION, PARIPPALLY,
   KOLLAM.

3. **E.S.JALAL,**
   GENERAL SECRETARY, INDANE BOTLING PLANT
   CONTRACT WORKERS UNION (CITU), PARIPPALLY,
   KOLLAM.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).6130/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF WORK ORDER DATED 8.4.2006 OF THE DEPUTY GENERAL MANAGER I.O.C.

EXT.P2: COPY OF LICENCE NO.CL/L.57/06 DATED 25.7.2006 ISSUED BY LICENSING OFFICER.

EXT.P3: COPY OF MUSTER ROLL FOR THE MONTH OF JANUARY, 2007.

EXT.P3(A): COPY OF RECEIPT DATED 14.2.2007 EVIDENCING PAYMENT TO E.P.F.

EXT.P3(B): COPY OF RECEIPT DATED 14.2.2007 EVIDENCING PAYMENT TO E.S.I.

EXT.P4: COPY OF PETITION DATED 20.1.2007 TO THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R3(A): COPY OF NOTICE DATED 12.1.2006 FROM MR.SHERRY JACOB.

EXT.R3(B): COPY OF THE LIST OF CASUAL LABOURERS (LOADING AND UNLOADING).

EXT.R3(C): COPY OF THE PROCEEDINGS OF THE ASST.LABOUR COMMISSIONER.

EXT.R3(D): COPY OF THE PROCEEDINGS OF THE ASST.LABOUR COMMISSIONER.

EXT.R3(E): COPY OF THE UNDERTAKING GIVEN BY THE WRIT PETITIONER BEFORE ASST.LABOUR COMMISSIONER.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.6130 OF 2007

Dated 22nd March, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. On 23.2.2007 we have granted an interim protection. It is submitted by the contesting respondent that even though contractors are changed, the establishment is permanent and there was an agreement to employ casual workers as permanent workers and that was accepted by the petitioner also. It is submitted by the petitioner that two persons from the list submitted by the contesting respondent (Ext.R3(b)) were taken as regular employees. If the third respondent union has any other claim based on seniority etc, union has to raise the claim before the labour authorities. It is submitted that conciliation proceedings were already held. So interim relief granted is made absolute without prejudice to the right of the union and if the conciliation dispute fails, it can raise industrial dispute subsequently. So, the interim order passed will be subject to the result of the industrial dispute.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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